



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
INNOVATION FUELS, INC. et al.

Plaintiffs,

09 Civ. 9953 (PKC)

- against -

BARGE COLD SPRING HARBOR et al

**STIPULATION AND ORDER
OF DISCONTINUANCE**

Defendants.
-----X

The above-captioned matter having been settled pursuant to agreement by and between the parties,

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, attorneys for the parties herein, that the above-captioned matter be and hereby is discontinued with prejudice and without costs to any party, subject to re-opening within 30 days of the date of entry of this Order.

IT IS FURTHER STIPULATED AND AGREED that this discontinuance is without prejudice to a claim for demurrage under the charter party between Tokio Marine Co., Ltd. and Innovation Fuels, Inc.

IT IS FURTHER STIPULATED AND AGREED that this Stipulation be executed in counter-parts.

Dated: New York, New York
November 1, 2010

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SO ORDERED:

U.S.D.J.